



Suggestions in Support on May 15, 2023. (Doc. 36).

On May 24, 2023, the parties jointly requested additional time for Defendants to file Suggestions in Opposition to Plaintiffs' Motion for Class Certification. (*See* Doc. 45). In the motion, the parties noted that the Joint Proposed Scheduling Order contemplated that limited class certification-related discovery was necessary and appropriate prior to completion of the class certification process. (*See id.*). Specifically, the parties noted they had agreed to certification-related depositions of the named Plaintiffs. (*See id.*). On May 24, 2023, this Court granted the parties' request for additional time, extending the deadline to respond to Plaintiffs' Motion for Class Certification to June 30, 2023. (Doc. 46).

## **II. Discussion**

The parties have worked diligently to coordinate depositions of the named Plaintiffs and, as of the afternoon of June 20, 2023, the parties have completed six of the seven named Plaintiffs' depositions.<sup>1</sup> However, as it stands, the parties are still waiting to receive transcripts of the depositions.

As this Court is aware, a "rigorous analysis" is required to determine whether the requirements for class certification have been satisfied. *See, e.g., Postawko v. Missouri Dep't of Corr.*, 910 F.3d 1030, 1036 (8th Cir. 2018) (citing *Gen. Tel. Co. of Sw. v. Falcon*, 457 U.S. 147, 161 (1982)). And, as district courts in the Eighth Circuit routinely recognize, "[w]ithout discovery in this case, the Court cannot undertake the rigorous analysis required of the class allegations." *Goyette v. City of Minneapolis*, No. 20-CV-1302 (WMW/DTS), 2020 WL 3056705, at \*5 (D. Minn. June 9, 2020) (quoting *Keech v. Sanimax USA, LLC*, Civ. No. 18-683, 2019 WL 79005, at

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<sup>1</sup> The parties have not been able to complete Plaintiff Krystal Christensen's class certification deposition. It is possible that deposition might still occur in the near future. In any event, Defendants do not intend to seek any further extension of time to oppose Plaintiffs' motion for class certification beyond what is requested in this motion based on the timing of Ms. Christensen's class certification deposition.

\*5 (D. Minn. Jan. 2, 2019)).

While the certification-related depositions were recently completed, the parties are still waiting to receive and review the transcripts and, as such, Defendants have nothing but their notes and best recollection of what transpired at the depositions as they begin to prepare their Suggestions in Opposition. Correspondingly, this Court's requisite "rigorous analysis" will be benefited by a brief extension of time that will allow the parties to make use of the not-yet-prepared transcripts from the depositions of the Plaintiffs in this case. Once the transcripts are received, Defendants will require sufficient time to review and make use of the transcripts as they aim to provide the Court with a thorough understanding of the facts in an effort to aid the Court in its rigorous analysis of Plaintiffs' Motion for Class Certification.

The relief sought in this motion is not intended to cause undue delay but, rather, simply to allow sufficient time for Defendants to prepare substantive responses to Plaintiffs' Motion for Class Certification aided by transcripts of the class certification-related depositions of the named Plaintiffs.

### **III. Conclusion**

Based on the foregoing, Defendants jointly and respectfully request that this Court grant this Unopposed Motion for an Extension of Time to file Suggestions in Opposition to Plaintiffs' Motion for Class Certification, and enter an Order allowing Defendants until July 14, 2023, to file their Suggestions in Opposition, and for such other and further relief as this Court deems necessary and proper under the circumstances.

Respectfully submitted,

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**Certificate of Service**

I hereby certify that I filed the foregoing through the Court's CM/ECF system which will provide notice of filing to all counsel of record.

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